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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,090	12/29/2000	John S. Maresca	YOR920000559US1/127-0004	4024

7590 06/02/2003

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EXAMINER

ZHEN, WEI Y

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 06/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/752,090

Applicant(s)

MARESCA ET AL.

Examiner

Wei Y Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1-43 are pending.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardoza et al, U.S. Patent No. 5,630,049 in view of Aycock et al, U.S. Patent No. 5,765,138.

As per claim 1, Cardoza et al discloses receiving at a host system a request by a user system to execute software (col. 5 lines 5-10), executing said software at the host system (col. 5 lines 4-10), sending results of said execution of said software to the user system, receiving input at the host system from the user system in response to said execution of said software, and providing the user system with output generated as a result of said execution of said software (col. 5 lines 4-60).

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Cardoza et al does not explicitly disclose the software is supplier qualification and quality management software.

Aycock et al disclose quality management software (abstract)

Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to incorporate the teaching of Aycock et al into the system of Cardoza et al to include various types of software, such as quality management software because it provides an efficient method to evaluate the software through the network.

As per claim 2, Aycock et al discloses supplier selection; and supplier audit management (col. 1 lines 45-55).

As per claim 3, Aycock et al discloses retrieving at least one potential supplier based on specific technical requirements (col. 1 lines 45-55).

As per claim 4, Aycock et al discloses said supplied audit management as claimed (col 1 lines 45-67).

As per claim 5, Aycock et al discloses the audit data as claimed (Fig. 1 "conduct audit").

As per claim 6, Aycock et al discloses said supplier selection is per formed using a development toolkit network software application (col. 2 line 58 to col. 4 line 44).

As per claim 7, Aycock et al discloses said supplier audit management is performed using a quality information network software application (col. 2 line 58 to col. 4 line 44).

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As per claim 8, Aycock et al disclose said qualification module as claimed (col. 3 lines 41-60).

As per claim 9, Aycock et al discloses said technology qualification as claimed (col. 3 lines 41-60).

As per claim 10, Aycock et al discloses said technology qualification as claimed (col. 2 line 58 to col. 4 line 44).

As per claim 11, Aycock et al discloses said part qualification as claimed (col. 3 line 42 to col. 4 line 45).

As per claim 12, Aycock et al discloses said part qualification as claimed (col. 2 line 58 to col. 4 line 44 and col. 3 lines 41-60).

As per claim 13, Aycock et al discloses said quality module as claimed (col. 5 line 13 to col. 6 line 54).

As per claims 14, 15, 16 and 17, Aycock et al discloses process changed management as claimed (Fig. 1 and related discussion in the specification).

As per claims 18-21, Aycock et al discloses tracking problems as claimed (col. 9 line 20 to col. 13 line 12).

Claim 22 is rejected for the reason set forth in the rejection of claim 1.

Claims 23-43 are rejected for the reasons set forth in the rejections of claims 1-21 respectively.

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*Conclusion*

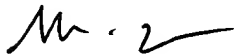
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Zhen whose telephone number is (703)305-0437.

The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Greg Morse can be reached at (703) 308-4789. The fax numbers for this group are (703)746-7239 (official fax), (703)746-7240 (non-official/draft), (703)746-7238 (after-final).

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)305-9600.



Wei Zhen

5/30/2003